GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 65 OF 2018

The Environmental Management Act
(Act No. 12 of 2011)

The Environmental Management (Extended Producer Responsibility) Regulations, 2018

IN EXERCISE of the powers contained in sections 43 and 134 of the Environmental Management Act, 2011, and in consultation with the Agency, the following Regulations are made:

PART I
PRELIMINARY

Title

1. These Regulations may be cited as the Environmental Management (Extended Producer Responsibility) Regulations, 2018.

Interpretation

2. In these Regulations unless the context otherwise requires—

"Agency" means the Zambia Environmental Management Agency established under Section 7 of the Act;

"alternative shopping bag" means a carrier bag that is made from environmentally friendly materials and designed to be used progressively over a period of approximately one year;

"beverage can" means a packaging composed primarily of aluminium material, used to hold a single serving of a beverage for commercial distribution and which is not returnable for reuse;

"carton" means packaging made from light polyethylene coated paperboard folding box and includes foil laminates used for packaging liquid beverages for commercial distribution, and which is not returnable for reuse;

Copies of this Statutory Instrument can be obtained from the Government Printer, P.O. Box 30136, 10101 Lusaka. Price K32.00 each.

"chemical container" means a container use for the storage, processing, mixing and transportation and where container used for hazardous substances, is appropriately labelled and not used or desegrated for use for any other purposes of a chemical substance;

"commercial distribution" means making available of at least 0.25 tonnes per annum of a packaging material or product directly or indirectly for packaging or carrying goods or waste, by the public or specialised groups within the Republic;

"inspector" means a person appointed inspector under section 14 of the Act;

"non returnable glass bottle" means a glass container intended for use in packaging of beverages for commercial distribution, which is not returnable for reuse;

"non returnable plastic bottle" means a plastic container intended for use in packaging of beverages for commercial distribution, and which is not returnable for reuse;

"packaging material" includes a carton, plastic carrier bag, plastic flat bag, non returnable glass, beverage can or plastic bottle used for the general purpose of carrying goods or waste;

"permit" means a packaging material registration permit issued under Regulation 4;

"pesticide" means a substance or mixture of substances intended for preventing, destroying or controlling a pest, including vectors of human or animal disease or unwanted species of plants or animals causing harm or otherwise interfering with the production, processing, storage, transport or marketing of food, agricultural commodities, wood, wood products or animal feed, or which may be administered to animals for the control of insects, mites, spider mites or other pests in or on their bodies, and includes substances intended for use as a plant growth regulator, defoliant, desiccant, or agent for thinning fruit or preventing the premature fall of fruit, and substances applied to crops either before orafter harvest to protect the commodity from deterioration during storage or transport;

"plastic carrier bag" means a bag, made of plastic film, with handles, and with or without

gussets, which have the properties specified in Zambian Standard on plastic carrier bags and flat bags;

"plastic flat bag" means bag, made of plastic film, without handles, and with or without gussets, which has the properties specified in Zambian Standard on plastic carrier bags and flat bags;

"plastic film" means a continuous, thin, non woven membraneous skin or layer of flexible material made of thermoplastic material;

"product" includes any packaged item or material that has the potential to become waste;

"producer responsibility measures" means actions that extend a person's financial or physical responsibility for a product to the post consumer stage of the product;

"specified day" means for the purposes of these regulations the day that falls one hundred eighty days from the date of the coming into operation of these Regulations;

"trade" means the sale and purchase of or making available for public use, at least 0.25 tonnes per annum, of a packaging material or product to any person, including a manufacturer, wholesaler or retailer of goods, for use within the Republic.

PART II

PRINCIPLE OF EXTENDED PRODUCER RESPONSIBILITY

Producer responsibility requirements for certain Packaging materials

3. (1) The Agency may, other than for a packaging material or product or class of products listed in the First Schedule, specify—

(a) a product or class of products;

(b) the producer responsibility measures that must be taken in respect of a specified product or class of products; and

(c) the category of persons required to take responsibility measures.

(2) The Agency may, in terms of subsection (1)—

(a) specify the requirements in respect of the implementation and operation of a waste minimisation programme, including the requirements in respect of the avoidance of waste generation, recovery, re use and recycling;

(b) determine the financial arrangements of a waste minimisation programme including financial contributions to a fund that may be established to promote the recovery, re-use or re-cycling of waste;

(c) establish institutional arrangements for the administration of a waste minimisation programme;

(d) indicate the percentage of products required to be recovered under a waste minimisation programme;

(e) specify labelling requirements;

(f) prohibit or restrict the sale of a product or class of products in such circumstances as the Agency may specify and publish in a daily paper of general circulation;

(g) require the producer of a specified product or class of products to carry out a life-cycle assessment in relation to the product, in such manner or in accordance with such standards or procedures as the Agency specifies;

(h) specify the requirements that must be complied with in respect of the design, composition or production of a product or packaging, including a requirement that-

(i) cleaner production measures be implemented;

(ii) the composition, volume or weight of packaging be restricted; and

(iii) packaging be designed, produced and used so as to be capable of being recovered, recycled or reused; and

(i) establish awareness programmes to inform the public of —

(i) the impacts of waste emanating from the product on human health and the environment; and

(ii) any other measures to reduce the potential impact of the product on human health and the environment.

(3) The manufacture, trade and commercial distribution of domestically produced and imported plastic carrier and flat bags, for use within the Republic, other than those having the properties in the Zambian Standard on Plastic Carrier Bags and Flat Bags is prohibited.

PART III
REGISTRATION

Person must provide alternative shopping bag until prescribed day

4. (1) A person who intends to manufacture, retail, import, trade or commercially distribute in Zambia a packaging material or a product specified in the First Schedule shall apply to the Agency for registration in Form I set out in the Fourth Schedule on payment of the application fee set out in the Second Schedule.

(2) An application for a registration made under sub regulation (1) shall be submitted to the Agency at least one month prior to the intended commencement of an activity in respect of which the application is made.

(3) The Agency shall issue a permit in Form II set out in the Fourth Schedule where the Agency is satisfied that the applicant has complied with the requirements of the Act or any other applicable law and has adequately provided all the necessary information required by the Agency.

(4) Where the Agency refuses to grant a registration permit, the Agency shall notify the applicant in Form III set out in the Fourth Schedule.

(5) A person manufacturing, importing, trading or commercially distributing products listed in the First Schedule prior to the commencement of these Regulations shall, within six months from the specified day, apply for a registration permit specified in regulation 3 (1).

Person not to provide plastic carrier bag or flat bag not complying with regulations

5. On or after the specified day a person shall not provide a plastic carrier bag or flat bag to a customer in contravention of these Regulations.

Display of notice

6. (1) A person to whom regulation (1) *(b)* applies shall display, in a prominent position in the English language and any other local language where applicable, in the person's premises, a notice that includes the words set out in the Fifth Schedule.

(2) The requirement for a notice to be displayed in a prominent place does not apply in relation to a notice in electronic form.

Compliance order

7. (1) Where an inspector has reasonable cause to believe that a person has contravened any of the provisions of the registration condition the inspector shall serve a compliance order on that person.

(2) A compliance order served under sub regulation (1) shall—

(a) state the provisions or conditions of the registration which have been contravened or are likely to be contravened;

(b) specify the steps that have to be taken to remedy the contravention or avoid the contravention, as the case may be; and

(c) specify the time limit within which the steps described under paragraph *(b)* should be taken.

(3) A compliance order shall be in Form IV set out in the Fourth Schedule.

Plastic identification

8. (1) A person who intends to manufacture, import, trade or commercially distribute recyclable plastic packaging materials in Zambia shall, within twenty-four months from the commencement of these Regulations, ensure that a Plastic Identification Code (PIC) is available at the base or at the side of the plastic packaging and container.

(2) The PIC shall appear inside a three chasing arrow recycling symbol, the symbol shall indicate whether the plastic can be recycled into new products.

(3) Sub-regulation (1) does not apply to plastic packaging films.

(4) A plastic Identification Code (PIC) shall be in a Form set out in the Third Schedule.

Offences and penalties

9. (1) A person who breaches a condition of a registration permit after a compliance order has been issued under these Regulations or contravenes any part of these Regulations—

(a) commits an offence and is liable on conviction to a fine set out in section 125 of the Act; and

(b) shall have their registration permit suspended or cancelled.

Provision of alternative bags

10. (1) From the day on which these regulations come into operation until the day immediately preceding the specified day, a person who at any premises makes plastic carrier bags or flat bags available to customers as a means of carrying goods purchased, or to be purchased, from the person shall provide an alternative shopping bag to a customer who requests that the person provide the customer with such a bag.

(2) This regulation does not prevent a person from requiring a customer to pay a fee for the provision of an alternative shopping bag.

FIRST SCHEDULE

(*Regulation* 3)

No.	*Type of Packaging Material or Product*
1	Cartons
2	Non-returnable glass bottles
3	Non-returnable plastic bottles
4	Plastic Carrier and Flat Bags complying with Zambian Standard on Plastic Carrier Bags and Flat Bags
5	Beverage cans
6	Waste Oils
7	Waste lubricant containers
8	Used Lead Acid Batteries
9	Pesticides containers/packaging
10	Chemicals containers/packaging
11	Expired chemicals
12	Used tyres
13	Near end of life or end of life electrical and electronics
14	Electrical and electronic equipment

SECOND SCHEDULE

(*Regulation* 3)

Item No.	*Type of Packaging Material or Product* REGISTRATION FEE	*Fee Units*		
		Manufacturing	**Retailing**	**Importing**
1.	Non-returnable glass bottles	1000	1000	1200
2.	Non-returnable plastic bottles	1000	1000	1200
3.	Cartons	1000	1000	1200
4.	Plastic carrier and flat bags	1000	1000	1200
5.	Beverage cans	1000	1000	1200
6.	Waste oils	2000	1000	1200
7.	Waste lubricant container	1000	1000	1200
8.	Used lead acid batteries	2000	1000	1200
9.	Pesticides/chemical containers	1000	1000	1200
10.	Expires chemicals	2000	1000	1200
11.	Used tyres	2000	1000	1200
12.	Near end of life or end of life electrical and electronics	2000	1000	1200
13.	Electrical and electronic equipment	2000	1000	1200

THIRD SCHEDULE
(*Regulation* 8)

Plastic Identification Code	*Type of plastic polymer*	*Properties*	*Common Packaging Materials*
	*Polyethylene Terephthalate* (PET, PETE)	Clarity, strength, toughness, barrier to gas and moisture.	Soft drink, water and salad dressing bottles; peanut butter and jam jars
	*High Density Polyethylene* (HDPE)	Stiffness, strength, toughness, resistance to moisture, permeability to gas.	Milk, juice and water bottles; trash and retail bags.
	*Polyvinyl Chloride* (PVC)	Versatility, clarity, ease of blending, strength, toughness.	Juice bottles; cling films; PVC piping.
	*Low Density Polyethylene* (LDPE)	Ease of processing, strength, toughness, flexibility, ease of sealing, barrier to moisture.	Frozen food bags; squeezable bottles, e.g. honey, mustard; cling films; flexible container lids.
	*Polypropylene* (PP)	Strength, toughness, resistance to heat, chemicals, grease and oil, versatile, barrier to moisture.	Reusable microwaveable ware; kitchenware; yogurt containers; margarine tubs; microwaveable disposable take-away containers; disposable cups and plates.
	*Polystyrene* (PS)	Versatility, clarity, easily formed	Egg cartons; packing peanuts; disposable cups, plates, trays and cutlery; disposable take-away containers.
	Other (often *polycarbonate)*	Dependent on polymers or combination or polymers	Beverage bottles; baby milk bottles; electronic casing.

FOURTH SCHEDULE

FORM I
(*Regulation* 3)

The Environmental Management Act
(No. 12 of 2011)

The Extended Producer Responsibility Regulations, 2018

Application to Register Packaging Materials or Product

To: The Director-General
Zambia Environmental Management Agency
P O Box 35131
LUSAKA

1. Name of applicant:.....
2. Address of applicant:.....
   Physical:.....
   Postal: .....
   Telephone no:.....
   Fax no:.....
   Telex:.....
   E-mail: .....
3. Line of Business.....
4. Details of the packaging materials or product handled:

Type of packaging materials	*Unit weight (grams)*	*Quantities of packaging materials per annum (Tonnes)*	*Source of packaging material (Import/Local)*	*Colour of packaging materials*	*PIC Number (applicable to plastic polymers)*

5. Number of year's firm has been handling the said packaging material No. .....years. .

6. Cost (in Zambian Kwacha) of manufacture, importation, or purchasing the packaging material per ton.....

7. Company's future extended product responsibility strategy.....

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8. Any other company information.

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.....

.....

9. I hereby certify that the above particulars are to the best of my knowledge, true and correct.

....

Chief Executive Officer *Signature* *Official Date Stamp*

FOR OFFICIAL USE ONLY:

Received by .....

Title: .....

Date: .....

Signature: .....

ATTACHMENTS:

1. Samples of each packaging materials applied for.

FORM II
(*Regulation* 3)

The Environmental Management Act
(No. 12 of 2011)

The Extended Producer Responsibility Regulations, 2018

Packaging Material or Product Registration Licence

ZEMA Permit No: .....

Name:.....

Contact Address:.....

.....

.....

.....

You are hereby registered to manufacture/retail/import/trade or commercially distribute the following packaging materials or product and their respective quantities:

Type of packaging materials	*Unit weight (grams)*	*Quantities of packaging materials per annum (Tonnes)*	*Source of packaging material (Import/Local)*	*Colour of packaging materials*	*PIC Number (applicable to plastic polymers)*

This licence is granted subject to the following conditions:.....

.....

.....

.....

.....

Date

Director-General

FORM III
(*Regulation* 4 (4)

The Environmental Management Act
(No. 12 of 2011)

The Extended Producer Responsibility Regulations, 2018

NOTICE OF REJECTION OF APPLICATION

(1) Here insert the full names and address of applicant

TO: (1) .....

.....

REFERENCE NO. (2) .....

(2) Here insert the reference No. of the application

You are notified that your application for (3) registration/renewal of registration as an agricultural professional has been rejected on the following grounds:

(a) .....

(b) .....

(c) .....

(d) .....

(3) Here insert the type of application

Dated this ..... day of ....., 20.....

.....
Director-General

FORM IV
(*Regulation* 7 (3)

The Environmental Management Act
(No. 12 of 2011)

The Extended Producer Responsibility Regulations, 2018

COMPLIANCE ORDER

(1) Here insert the full names and address of applicant

TO: (1) .....

.....

IN THE MATTER OF (2) .....

(2) Here insert the reference No. of the application

You are notified that you are in breach or likely to be in breach of the following:

(a) .....

(b) .....

(c) .....

(d) .....

(3) Here insert the type of application

Accordingly, you are requested to remedy the breaches set out in paragraphs ..... (above) in accordance with the steps attached to this order within (3) ..... Days of receiving this Order. Failure to remedy the said breaches shall result in the

*suspension/cancellation of your registration permit.

(4) Signature of Director-General

Dated this ..... day of ....., 20.....

(4) .....
Director-General

OFFICIAL STAMP

FIFTH SCHEDULE
(*Regulation* 6)

The Zambian Government is banning the manufacture, trade and commercial distribution of domestically produced and imported plastic carrier and flat bags, for use within the Republic of Zambia, other than those having the properties in the Zambian Standard on Plastic Carrier Bags within 80 days from the coming into operation of the Environmental Management (Extended) Producer Responsibility Regulations, 2018. In the lead up to the ban, this retail outlet will supply or sell alternative shopping bags on request.

DR D. M. WACHINGA,
Minister of Water Development, Sanitation and Environmental Protection

LUSAKA
3rd August, 2018
[MWDSEP.20/1/1]